



AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

UNITED STATES OF AMERICA )

v. )

Case No. 8:20-MJ-473 (GLF)

JOSE LUCERO-DERAS, "aka" Israel Nolasco- )  
Guerrero, )

Defendant. )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 20, 2020 in the county of Franklin in the Northern District of New York the defendant(s) violated:

*Code Section*


8 U.S.C. § 1324(a)(1)(A)(ii) &amp; (v)(I)

*Offense Description*

Knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, the defendant did transport, move and attempt to transport and move, and conspire with others to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

 9/21/20 0655 hrs  
Complainant's signature  
U.S. Border Patrol Agent Jordan M. Smith  
Printed name and title

Sworn to before me and signed in my presence.

Date: Sept. 22, 2020

  
Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

*Continuation Sheet, United States v. Jose Lucero-Deras*

This criminal complaint is based on the following facts:

On September 20, 2020 at approximately 1:00 a.m., United States Border Patrol Agents (BPA) observed a dark colored pickup truck travelling northbound on Lost Nations Road in Churubusco, New York. The vehicle, bearing a Maryland license plate 7ED 0343, continued to the end of Lost Nations Road where it turned west onto Frontier Road. Frontier Road runs parallel to the international boundary that separates the United States from Canada. This area has been the location for numerous alien and narcotic smuggling arrests. Smuggling organizations often exploit this area due its remoteness and ingress and egress to the northern border. Additionally, intelligence, sensor activations and sign cutting has led agents to believe that the area has recently been used for human smuggling.

BPAs ran records checks on the license plate through Swanton Sector Radio Communications (SSRC). SSRC returned that the plates belonged to a black 2005 Ford Explorer registered to Jose Israel LUCERO-DERAS from Hyattsville, Maryland. BPAs maintained sight of the vehicle until it turned onto McCormick Road and agents then backed off of the vehicle in order to observe its activities and maintain their surveillance positions. McCormick Road has been the destination of numerous groups of people smuggled across the border from Canada. Agents in the area began static surveillance on the most commonly used routes of egress.

At approximately 1:15 a.m., BPAs observed that the vehicle was travelling south on county route 52, which is a common route used to travel south away from the border area. The vehicle came to the intersection of State Route 11 in the Town of Chateaugay, New York where Agents lost contact of the vehicle's direction of travel. Agents attempted to intercept the vehicle but were unsuccessful. Agents then traveled south on State Route 374 and then east on State Route 11. When Agents reached the Town of Ellenburg they decided to travel south on State Route 190 because it is the most common route of egress known to Border Patrol. Agents were able to catch up to the vehicle and, at that point, observed multiple people in the cab of the truck, to the point that passengers were on top of one another. Based on all of the aforementioned events and the observations in the vehicle, Border Patrol initiated a vehicle stop.

Border Patrol Agents Cory White and Jacob Reynolds approached the vehicle and identified themselves as Border Patrol Agents. The Agents observed the driver and front seat passenger were clean and dry. The back seat passengers appeared to be wet, fatigued, and have scratches and abrasions as if they had been outside for a long amount of time. Agents asked the driver of the vehicle, LUCERO-DERAS, his citizenship in the Spanish language to which he answered "Guatemalan". Agents requested LUCERO-DERAS' immigration documents to which he stated he was illegally present in the United States. At this time, Agents requested that LUCERO-DERAS turn off his vehicle and remove the keys. BPAs questioned all remaining occupants of the vehicle (hereinafter referred to as "the aliens") in the Spanish language as to their citizenship and immigration status in the United States. Agents determined that the aliens were citizens of Mexico and Guatemala and illegally present in the United States. BPAs arrested LUCERO-DERAS, the front seat passenger—ARGUETA-ROSALES, Remingtong, and the aliens.

While on the roadside, agents interviewed two of the aliens, PINTO-ARRIOLA, Mario and MONROY-FRANCO, Selvin. The aliens were issued Miranda warnings and agreed to speak to Agents. The aliens freely admitted to entering the United States illegally, to paying to be smuggled into the United States, and that the driver, LUCERO-DERAS and front seat passenger, ARGUETA-ROSALES, were helping them travel further south into the United States.

At the station, LUCERO-DERAS was issued Miranda warnings and agreed to speak with Agents. LUCERO-DERAS admitted that he travelled to the area to pick up and transport aliens who had just illegally entered the

*Continuation Sheet, United States v. Jose Lucero-Deras*

United States. LUCERO-DERAS stated in the interview that ARGUETA-ROSALES had put him in contact with a northern smuggler. LUCERO-DERAS stated he would be paid LUCERO-DERAS \$500.00 for picking up and transporting the aliens.